UNITED STATES PATENT AND TRADEMARK OFFICE

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EXAMINER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _02 December 2009_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1,2 and 5-24_ is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1,2 and 5-24_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _17 January 2002_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☒ All b)☐ Some * c)☐ None of:

　　　1.☐ Certified copies of the priority documents have been received.

　　　2.☒ Certified copies of the priority documents have been received in Application No. _09/369,401_.

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
　　Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments, filed December 2, 2009, with respect to the rejection(s) of

claim(s) 1, 2, and 5-24 have been fully considered and are persuasive. Therefore, the

rejection has been withdrawn. However, upon further consideration, a new ground(s) of

rejection is made in view of a newly found prior art reference.

2.   However, Applicant's arguments regarding the dates provided by the Matsumoto

et al. reference are the transfer dates filed December 2, 2009 have been fully

considered but they are not persuasive. The Examiner respectfully disagrees with that

statement. While Matsumoto et al. may disclose transfer dates in Fig. 13, Matsumoto et

al. also discloses the photos being displayed chronologically by their shooting dates in

Fig. 12 (col. 10, lines 36-52). Therefore, Matsumoto et al. meets those claimed

limitations and that part of the rejection is maintained.

Claim Rejections - 35 USC § 101

3.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
> matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
> conditions and requirements of this title.

Claims 5, 6, 9, 12, 16, 17, 20 and 23 are rejected under 35 U.S.C. 101 because

the claimed invention is directed to non-statutory subject matter. Claims 5, 6, 9, 12, 16,

17, 20, and 23 define a computer-readable storage medium embodying functional

descriptive material. However, the claim does not define a non-transitory computer-

readable medium or memory and is thus non-statutory for that reason (i.e., "When

functional descriptive material is recorded on some computer-readable medium it

becomes structurally and functionally interrelated to the medium and will be statutory in

most cases since use of technology permits the function of the descriptive material to be

realized" – Guidelines Annex IV). That is, the scope of the presently claimed computer-

readable storage medium can range from paper on which the program is written, to a

program simply contemplated and memorized by a person. In the state of the art,

transitory signals are commonplace as a medium for transmitting computer instruction

and thus, in the absence of any evidence to the contrary and give the broadest

reasonable interpretation; the scope of a "computer readable medium" covers a signal

per se. In order to overcome the 101, the "computer readable medium" should be

changed to "non-transitory computer readable medium".

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 1, 2, and 5-24 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Matsumoto et al. (U.S. Patent 5,796,428) in view of Kobayashi (U.S. Patent

6,108,728).

        Regarding claim **1**, Matsumoto et al. discloses a method for recording still

picture data of N still pictures stored in separate N files, respectively, and for

recording still picture group management information for managing N still picture

data of said N still pictures as a still picture group, onto a storage medium, where

N is an integer number equal to or larger than one, wherein said still picture

group management information includes time information and is provided

separately from any still picture management information containing

management information for each still picture, and said time information of said

still picture group management information includes a first recording time at

which the still picture data of an earliest-photographed still picture in said still

picture group was recorded first by a picture-taking device, and a last recording

time at which the still picture data of a latest-photographed still picture in said still

picture group was recorded last by the picture-taking device (Fig. 11 – detailed

structure of a picture data - col. 10, lines 39-50; Fig. 19 - flowchart for generating

a an album list where the generation condition can be set, for example, according

to time - col. 3, lines 18-36 and col. 11, line 59 – col. 12, line 10; - the album list

shows the earliest and last recording times; it can be seen from Fig. 11 and Fig.

15 the difference in the management information for a group and a separate

image), said method comprising: comparing a recording time of the still picture

data of a still picture, with said first recording time stored in said still picture group

management information corresponding to the still picture group belonging to

said still picture data; and if said recording time is earlier than said first recording

time, replacing the content of said first recording time by said recording time and

performing recording thereof (col. 11, line 59 – col. 12, line 45 – the album list is

updated accordingly when the list is set according to the date and time an image is taken and when the album is edited the list is updated. Therefore, the earliest and last recording times will be the first and last recording times on the list which are updated accordingly). Furthermore, Matsumoto et al. discloses still picture group management information that includes a list of still images in the group as well as updating the times in the list accordingly when the album is edited (Fig. 19), but fails to disclose the still picture group management information only stores the earliest and latest recording times.

Referring to the Kobayashi reference, Kobayashi discloses a method of recording still picture data and still picture group management information for managing N still pictures data as a still picture group onto a storage medium, where said N is an integer number equal to or greater than one, comprising the steps of: recording a first recording time at which the still picture data in the still picture group was recorded first and a last recording time at which the still picture data in the still picture group was recorded last in the still picture group management information (Fig. 4 discloses an index wherein for each group of video the start and end times are recorded in the index; col. 8, lines 50-67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have only stored the earliest and latest recording times in the still picture group management information as disclosed by Kobayashi in the method disclosed by Matsumoto et al. in order to reduce the size of the management data.

Regarding claim **2**, Matsumoto et al. in view of Kobayashi discloses all the

limitations as previously discussed with respect to claim 1 as well as further

disclosing comparing a recording time of said still picture data of said still picture,

with said last recording times stored in said still picture group management

information corresponding to the still picture group belonging to said still picture

data; and if the recording time is later than said last recording time, replacing the

content of said last recording time by said recording time and performing

recording thereof (Matsumoto et al.: col. 11, line 59 – col. 12, line 45 – the album

list is updated accordingly when the list is set according to the date and time an

image is taken and when the album is edited the list is updated. Therefore, the

earliest and last recording times will be the first and last recording times on the

list which are updated accordingly; Kobayashi: Fig. 4 discloses an index wherein

for each group of video the start and end times are recorded in the index; col. 8,

lines 50-67).

Regarding claims **5** and **6**, these are computer-readable storage medium

claims corresponding to the method claims 1 and 2. Therefore, claims 5 and 6

are analyzed and rejected as previously discussed with respect to claims 1 and

2. Furthermore, Matsumoto et al. discloses a computer (Fig. 1) that performs the

method disclosed in claims 1 and 2.

Regarding claim **7**, Matsumoto et al. discloses a method of recording still

picture data of N still pictures stored in separate N files, respectively, and for

recording still picture group management information for managing N still picture

data of said N still pictures as a still picture group onto a storage medium, where

said N is an integer number equal to or greater than one, wherein said still

picture group management information includes time information and is provided

separately from any still picture management information containing

management information for each still picture, said method comprising:

recording, as said time information of the still picture group management

information, a first recording time at which the still picture data of an earliest-

photographed still picture in said still picture group was recorded first by picture-

taking device, and a last recording time at which the still picture data of a latest-

photographed still picture in said still picture group was recorded last by the

picture-taking device (Fig. 11 – detailed structure of a picture data - col. 10, lines

39-50; Fig. 19 - flowchart for generating a an album list where the generation

condition can be set, for example, according to time - col. 3, lines 18-36 and col.

11, line 59 – col. 12, line 10; - the album list shows the earliest and last recording

times; it can be seen from Fig. 11 and Fig. 15 the difference in the management

information for a group and a separate image). Furthermore, Matsumoto et al.

discloses still picture group management information that includes a list of still

images in the group as well as updating the times in the list accordingly when the

album is edited (Fig. 19), but fails to disclose the still picture group management

information only stores the earliest and latest recording times.

Referring to the Kobayashi reference, Kobayashi discloses a method of

recording still picture data and still picture group management information for

managing N still pictures data as a still picture group onto a storage medium,

where said N is an integer number equal to or greater than one, comprising the

steps of: recording a first recording time at which the still picture data in the still

picture group was recorded first and a last recording time at which the still picture

data in the still picture group was recorded last in the still picture group

management information (Fig. 4 discloses an index wherein for each group of

video the start and end times are recorded in the index; col. 8, lines 50-67).

Therefore, it would have been obvious to one of ordinary skill in the art at

the time the invention was made to have only stored the earliest and latest

recording times in the still picture group management information as disclosed by

Kobayashi in the method disclosed by Matsumoto et al. in order to reduce the

size of the management data.

Regarding claim **8**, Matsumoto et al. in view of Kobayashi discloses all the

limitations as previously discussed with respect to claim 1 including that the

storage medium is an optical disk, and where said method comprising recording

said still picture data of said N still pictures and said recording still picture group

management information in the optical disk using an optical recording device

(Matsumoto et al.: col. 7, lines 38-40 and col. 8, lines 6-11).

Regarding claim **9**, this is a computer-readable storage medium claim

corresponding to the method claim 8. Therefore, claim 9 is analyzed and

rejected as previously discussed with respect to claim 8.

Regarding claim **10**, grounds for rejecting claim 8 apply for claim 10 in its entirety.

Regarding claim **11**, Matsumoto et al. in view Kobayashi discloses all the limitations as previously discussed with respect to claim 1 including that N is an integer number larger than one (Matsumoto et al.: Fig. 12 - more than one image is shown being listed in the album, Fig. 11 - the makeup of a picture file wherein each picture is stored separately from other pictures).

Regarding claim **12**, this is a computer-readable storage medium claim corresponding to the method claim 11. Therefore, claim 9 is analyzed and rejected as previously discussed with respect to claim 8.

Regarding claim **13**, grounds for rejecting claim 11 apply for claim 13 in its entirety.

Regarding claim **14**, Matsumoto et al. discloses a method for recording still picture data of N still pictures stored in separate N files, respectively, and for recording still picture group management information for managing N still picture data of said N still pictures as a still picture group, onto a storage medium, where N is an integer number equal to or larger than one, wherein said still picture group management information is provided separately from any still picture management information containing management information for each still picture, and said still picture group management information includes a recording time data which specify the recording times, all of the recording times in said still picture group management information comprises a first recording time at which

the still picture data of an earliest-photographed still picture in said still picture

group was recorded first by a picture-taking device, and a last recording time at

which the still picture data of a latest-photographed still picture in said still picture

group was recorded last by the picture-taking device (Fig. 11 – detailed structure

of a picture data - col. 10, lines 39-50; Fig. 19 - flowchart for generating a an

album list where the generation condition can be set, for example, according to

time - col. 3, lines 18-36 and col. 11, line 59 – col. 12, line 10; - the album list

shows the earliest and last recording times; it can be seen from Fig. 11 and Fig.

15 the difference in the management information for a group and a separate

image), said method comprising: comparing a recording time of said still picture

data of a still picture, with said first recording time stored in said still picture group

management information corresponding to the still picture group belonging to

said still picture data; and if said recording time is earlier than said first recording

time, replacing the content of said first recording time by said recording time and

performing recording thereof (col. 11, line 59 – col. 12, line 45 – the album list is

updated accordingly when the list is set according to the date and time an image

is taken and when the album is edited the list is updated. Therefore, the earliest

and last recording times will be the first and last recording times on the list which

are updated accordingly). Furthermore, Matsumoto et al. discloses still picture

group management information that includes a list of still images in the group as

well as updating the times in the list accordingly when the album is edited (Fig.

19), but fails to disclose the still picture group management information consists

of either the earliest and latest recording times.

Referring to the Kobayashi reference, Kobayashi discloses a method of

recording still picture data and still picture group management information for

managing N still pictures data as a still picture group onto a storage medium,

where said N is an integer number equal to or greater than one, comprising the

steps of: recording a first recording time at which the still picture data in the still

picture group was recorded first and a last recording time at which the still picture

data in the still picture group was recorded last in the still picture group

management information (Fig. 4 discloses an index wherein for each group of

video the start and end times are recorded in the index; col. 8, lines 50-67 –

regarding the time information the index consists of the earliest and latest

recording times).

Therefore, it would have been obvious to one of ordinary skill in the art at

the time the invention was made to have only stored the earliest and latest

recording times in the still picture group management information as disclosed by

Kobayashi in the method disclosed by Matsumoto et al. in order to reduce the

size of the management data.

Regarding claim **15**, grounds for rejecting claim 2 apply for claim 15 in its

entirety.

Regarding claims **16** and **17**, these are computer-readable storage

medium claims corresponding to the method claims 14 and 15. Therefore,

claims 16 and 17 are analyzed and rejected as previously discussed with respect

to claims 14 and 15. Furthermore, Matsumoto et al. discloses a computer (Fig.

1) that performs the method disclosed in claims 14 and 15.

Regarding claim **18**, Matsumoto et al. discloses a method of recording still

picture data of N still pictures stored in separate N files, respectively, and for

recording still picture group management information for managing N still pictures

data of said N still pictures as a still picture group onto a storage medium, where

said N is an integer number equal to or greater than one, wherein said still

picture group management information is provided separately from any still

picture management information containing management information for each

still picture, said method comprising: recording, as part of said still picture group

management information, a recording time data which specify the recording

times, all of the recording times in said still picture group management

information comprises a first recording time at which the still picture data of an

earliest-photographed still picture in said still picture group was recorded first by

picture-taking device, and a last recording time at which the still picture data of a

latest-photographed still picture in said still picture group was recorded last by

the picture-taking device (Fig. 11 – detailed structure of a picture data - col. 10,

lines 39-50; Fig. 19 - flowchart for generating a an album list where the

generation condition can be set, for example, according to time - col. 3, lines 18-

36 and col. 11, line 59 – col. 12, line 10; - the album list shows the earliest and

last recording times; it can be seen from Fig. 11 and Fig. 15 the difference in the

management information for a group and a separate image). Furthermore,

Matsumoto et al. discloses still picture group management information that

includes a list of still images in the group as well as updating the times in the list

accordingly when the album is edited (Fig. 19), but fails to disclose the still

picture group management information consists of either the earliest and latest

recording times.

Referring to the Kobayashi reference, Kobayashi discloses a method of

recording still picture data and still picture group management information for

managing N still pictures data as a still picture group onto a storage medium,

where said N is an integer number equal to or greater than one, comprising the

steps of: recording a first recording time at which the still picture data in the still

picture group was recorded first and a last recording time at which the still picture

data in the still picture group was recorded last in the still picture group

management information (Fig. 4 discloses an index wherein for each group of

video the start and end times are recorded in the index; col. 8, lines 50-67 –

regarding the time information the index consists of the earliest and latest

recording times).

Therefore, it would have been obvious to one of ordinary skill in the art at

the time the invention was made to have only stored the earliest and latest

recording times in the still picture group management information as disclosed by

Kobayashi in the method disclosed by Matsumoto et al. in order to reduce the

size of the management data.

Regarding claim **19**, grounds for rejecting claim 8 apply for claim 19 in its entirety.

Regarding claim **20**, this is a computer-readable storage medium claim corresponding to the method claim 19. Therefore, claim 20 is analyzed and rejected as previously discussed with respect to claim 19.

Regarding claim **21**, grounds for rejecting claim 8 apply for claim 21 in its entirety.

Regarding claim **22**, grounds for rejecting claim 11 apply for claim 22 in its entirety.

Regarding claim **23**, this is a computer-readable storage medium claim corresponding to the method claim 22. Therefore, claim 23 is analyzed and rejected as previously discussed with respect to claim 22.

Regarding claim **24**, grounds for rejecting claim 11 apply for claim 24 in its entirety.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HEATHER R. JONES whose telephone number is (571)272-7368. The examiner can normally be reached on Mon. - Thurs.: 7:00 am - 4:30 pm, and every other Fri.: 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

                                                          Heather R Jones
                                                          Examiner
                                                          Art Unit 2621

HRJ
February 12, 2010

/Thai Tran/
Supervisory Patent Examiner, Art Unit 2621